

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**RICHARD HATCH,**

**Plaintiff,**

**v.**

**2:07 CV 104  
(Maxwell)**

**DOMINIC A. GUTIERREZ, WAYNE  
PHILLIPS, LEWIS BRESOACH,  
VERONICA FERNANDEZ, DANIEL  
J. HICKEY AND RENEE CROGAN,**

**Defendants.**

**ORDER**

It will be recalled that on December 18, 2007, *pro se* Plaintiff Richard Hatch, an inmate at FCI Morgantown in Morgantown, West Virginia, filed a civil rights complaint against the above-named Defendants. In his complaint, the Plaintiff seeks declaratory, injunctive, compensatory and punitive relief, for what he alleges was a deliberate indifference by the Defendants to his serious medical needs.

It will further be recalled that the case was referred to United States Magistrate Judge John S. Kaull in accordance with Rule 83.01 of the Local Rules of Prisoner Litigation Procedure and 28 U.S.C. § 1915(e).

On June 18, 2008, United States Magistrate Judge John S. Kaull issued an Opinion/Report And Recommendation On Plaintiff's Request For Injunctive Relief wherein he recommended that the Plaintiff's request for injunctive relief be denied without prejudice.

In his Opinion/Report And Recommendation On Plaintiff's Request For Injunctive Relief, Magistrate Judge Kaull provided the parties with ten (10) days from the date of service of said Opinion/Report And Recommendation in which to file objections thereto and advised the parties that a failure to timely file objections would result in the waiver of their

right to appeal from a judgment of this Court based upon said Opinion/Report And Recommendation.

The Court's review of the docket in the above-styled action has revealed that no objections to Magistrate Judge Kaull's June 18, 2008, Opinion/Report And Recommendation On Plaintiff's Request For Injunctive Relief have been filed and that this matter is now ripe for review.

Upon consideration of Magistrate Judge Kaull's June 18, 2008, Opinion/Report And Recommendation On Plaintiff's Request For Injunctive Relief, and having received no written objections thereto<sup>1</sup>, it is

**ORDERED** that the Opinion/Report And Recommendation On Plaintiff's Request For Injunctive Relief entered by United States Magistrate Judge John S. Kaull on June 18, 2008, be, and the same is hereby, **ACCEPTED** in whole and the Plaintiff's request for injunctive relief be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

**ORDERED** that the Plaintiff's request for injunctive relief (Docket No. 35) be, and the same is hereby **DENIED** without prejudice.

The Clerk of Court is directed to transmit copies of this Order to the *pro se* Plaintiff and to counsel of record for the Defendants.

ENTER: July 21<sup>st</sup>, 2008

  
United States District Judge

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<sup>1</sup>The failure of a party to objection to a Report And Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4<sup>th</sup> Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).